



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/464,582	12/16/1999	NELS LAURITZEN	PPC-694	7760

7590

04/22/2003

AUDLEY A CIAMPORCERO JR
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 089337003

EXAMINER

KIDWELL, MICHELE M

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 04/22/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/464,582

Applicant(s)

LAURITZEN, NELS

Examiner

Michele Kidwell

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 5, 2003 has been entered.

Specification

The amendment filed February 5, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the applicant has amended claim 13 to recite that the absorbent garment comprises a kit that includes a reusable waist belt and a disposable suspension sling.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13 – 17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The applicant has amended the claims to recite that the absorbent garment comprises a kit. This language suggests that there is an absorbent garment, a reusable waist belt and a disposable suspension sling. These three elements are not supported by the originally filed disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 9 and 13 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (US 5,607,416).

With respect to claim 1, Yamamoto et al. (hereinafter “Yamamoto”) discloses an integral disposable absorbent garment that may be worn about a human lower torso comprising a suspension sling for absorbing and containing body exudates (1) having

Art Unit: 3761

longitudinally extending suspension sling side margins, a suspension sling distal end and a suspension sling proximal end (figure 4), said suspension sling being suspendable in a wearer's crotch region (col. 5, lines 32 – 35) and a waist belt (2) having a first belt end secured to the suspension sling proximal end and a second belt end wherein the waist belt is capable of encircling a user's waist with the suspension sling suspended in the wearer's crotch region and the second belt end attached to the first belt end at the suspension sling proximal end as set forth in col. 5, lines 21 – 35.

As to claim 2, Yamamoto discloses a suspension sling comprising a liquid permeable topsheet, liquid impermeable backsheet associated with the topsheet and an absorbent structure positioned between the topsheet and the backsheet as set forth in col. 3, lines 30 – 33.

With regard to claims 3 and 4, Yamamoto discloses a garment wherein the suspension sling further comprises an elastic element disposed in at least one suspension sling side margin as set forth in col. 3, lines 51 – 61 and in figure 1.

As to claim 5, Yamamoto discloses the garment wherein the waist belt is elastically contractible as set forth in col. 4, lines 24 – 40.

With reference to claims 6 – 8, Yamamoto discloses the garment further comprising a waist belt attachment system as a pressure sensitive adhesive and a mechanical fastener as set forth in col. 4, lines 40 – 50.

As to claim 9, Yamamoto discloses the garment wherein the suspension sling distal end further comprises suspension sling fasteners as set forth in figure 1.

With respect to claim 13, Yamamoto discloses an absorbent garment kit that may be worn about a human lower torso comprising a reusable waist belt having a first and second belt end (figure 3) with a first sling attachment location proximate the first belt end and a second sling attachment location disposed between the first and second belt ends (figure 1) and a disposable suspension sling for absorbing and containing body exudates (1) having longitudinally extending suspension sling side margins, a suspension sling distal end and a suspension sling proximal end (figure 4) wherein the suspension sling is attachable to the first and second sling attachment locations of the belt in a manner to suspend the suspension sling in a wearer's crotch (figure 1) and the waist belt (2) is capable of encircling a user's waist with the suspension sling suspended in the wearer's crotch region as set forth in col. 5, lines 21 – 35.

Regarding claim 14, Yamamoto discloses a garment wherein the second sling attachment location is disposed approximately midway between the first and second belt ends as set forth in figure 1.

As to claim 15, Yamamoto discloses a garment wherein the waist belt and suspension sling comprise a belt closure system as set forth in col. 4, lines 40 – 50.

With reference to claim 16, Yamamoto discloses a garment wherein the belt closure system comprises closure system elements (col. 3, lines 30 – 38) at least at the first and second sling attachment locations and proximate the suspension sling distal and proximal ends (figure 1).

With respect to claim 17, Yamamoto discloses a garment wherein closure system elements join the first sling attachment location to the suspension sling proximal end as set forth in col. 3, lines 30 – 38 and in figure 1.

Response to Arguments

Applicant's arguments filed February 5, 2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the office action fails to set forth where Yamamoto discloses a waist belt having a first belt end secured to the suspension sling proximal end and a second belt end, the examiner again refers to figure 1 as referenced in the passage cited in the rejection of claim 1. Figure 1 shows the first belt end (considered by the examiner to be the end of the belt from 13a to the area just before reference numeral 2) secured to the suspension sling (6) and a second belt end shown by reference number 13b.

The examiner appreciates the applicant's submission of the definition of the word "end" and refers to such to reinforce the basis of the rejection. According to the definition of the word "end" submitted by the applicant, the "end" may be defined as "to form the end of". Taking such definition into the consideration, the examiner maintains the rejection in that the portion of the waist belt that has been referenced by the examiner in the preceding paragraph is secured to the "end" of the waist belt.

Art Unit: 3761

In response to the applicant's arguments that Yamamoto fails to teach that the pad member end is attachable to an attachment location. The applicant is reminded that "attachable" means being capable of attachment. Yamamoto discloses an end which is capable of being attached, and is attached to an attachment location as shown in figure 1 and in col. 4, lines 55 – 62.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele M. Kidwell whose telephone number is 703-305-2941. The examiner can normally be reached on Monday thru Friday, 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached 703-308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, whose telephone number is 703-308-0858.


Michele Kidwell
April 17, 2003


WEILUN LO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700